

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Wayne Charles,
Plaintiff-Appellant,

-against-

M-5281
Index No. 100117/16

Levitt & Kaizer, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant, pro se, having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about September 21, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X
680 East Fordham Road Realty Corp.,
and Anthony Borromeo,
Plaintiffs-Appellants,

-against-

M-5220
Index No. 303006/14

Mario L. De Marco,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 3, 2015,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
David B. Saxe
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
Frances Meyers,
Petitioner-Appellant,

For An Order Pursuant to Article 78
of the Civil Practice Law and Rules,

M-5459
Index No. 100387/15

-against-

Department of Education of the
City of New York, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time to perfect the appeal taken from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 6, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2017 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In re New York City Asbestos
Litigation.

- - - - -

Laraine Sweberg, etc.,
Plaintiff-Respondent,

-against-

M-5722

Index No. 190017/13

ABB, Inc., et al.,
Defendants,

Crane Co.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of, or in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 6, 2016 (Appeal Nos. 429, 430 & 431),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Judith J. Gische
Troy K. Webber, Justices.

-----X
U.S. Bank National Association, etc.,
Plaintiff-Respondent,

-against-

M-5543
Index No. 35319/13E

William Muñiz,
Defendant-Appellant,

U.S. Bank National Association, etc.,
et al.,
Defendants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about September 16, 2015,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Rolando T. Acosta, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Barbara R. Kapnick, Justices.

-----X

Mirta Esponda,
Plaintiff-Respondent,

-against-

M-5787

Index No. 305186/12

Ana Ramos-Ciprian,
Defendant-Appellant,

-and-

The City of New York,
Defendant-Respondent.

-----X

A decision and order of this Court having been entered on November 24, 2015 (Appeal No. 16224), unanimously modifying the order appealed, on the law, to the extent of denying plaintiff's motion for summary judgment and otherwise affirming the order appealed, the order of the Supreme Court, Bronx County, entered on or about July 16, 2014,

And, an order of this Court having been entered on September 8, 2016 (M-3234/M-3455), inter alia, denying plaintiff's motion for clarification, without prejudice to seeking the requested relief in Supreme Court,

And, plaintiff having again moved for clarification of the issue of whether the claims against the City remain dismissed,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that plaintiff's motion for clarification is denied, without prejudice to seeking such relief (reinstatement of the City as a named co-defendant) in Supreme Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Rolando T. Acosta, Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
David B. Saxe
Judith J. Gische, Justices.

-----X

Heartland Brewery, Inc.,
Plaintiff-Appellant,

-against-

M-5432
Index No. 650144/14

Nova Casualty Company,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an order staying all proceedings, including the trial, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 7, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Paul G. Feinman
Barbara R. Kapnick
Troy K. Webber, Justices.

-----x
Jennifer Cangro,
Plaintiff-Appellant,

-against-

M-5655
Index No. 104192/12

Phyllis C. Solomon, et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 25, 2015, and said appeal having been perfected,

And, defendants-respondents having moved to strike and dismiss the aforesaid appeal based upon the ground that the order is not appealable as of right,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the appendix filed on September 28, 2016 and dismissing the appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

-----X
In the Matter of the Application of
Nathaniel Jones,
Petitioner,

For a Judgment Pursuant to Article 78 M-5193
of the Civil Practice Law and Rules, Index No. 101189/14

-against-

New York City Housing Authority,
Respondent.
-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 17, 2015, to review a determination of respondent,

And, an order of this Court having been entered on September 27, 2016 (M-3785), dismissing the aforesaid proceeding for failure to timely prosecute,

And, petitioner having moved to reargue the aforesaid order of this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Karla Moskowitz
Barbara R. Kapnick
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Tonya Muro Phillips,
Plaintiff-Respondent,

-against-

M-5256
Index No. 307883/12

Roger Phillips,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 21, 2016,

And, defendant-appellant having moved for an order staying the trial Court's rulings, and to stay the pendente lite child support and maintenance rulings, as well as the financial trial pending the outcome of the appeal, and other alternative relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Judith J. Gische
Marcy L. Kahn
Ellen Gesmer, Justices.

-----X
Francesca Simons,
Plaintiff-Appellant,

-against-

M-5794
Index No. 306364/16

Julien Giami,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 12, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Robyn McAllister,
Plaintiff-Respondent,

-against-

M-6170X
Index No. 306786/14

Linda Vansteenburgh and DL Peterson
Trust,
Defendants-Appellants,

Evelyn Codrington,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 22, 2016,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" November 28, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
8430985 Canada Inc.,
Plaintiff-Respondent,

-against-

M-6171X
Index No. 653564/14

Eli Verschleiser,
Defendant-Appellant,

United Realty Advisors LP, and Jacob
Frydman,
Defendants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 5, 2015,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 29, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Mary Owens,
Plaintiff-Respondent,

-against-

M-6169X
Index No. 7502/07

Federation Employment and Guidance
Service, Inc., and Fegs Bleier
Intermediate Care Facility,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 20, 2016,

Now, after pre-argument conference, and upon reading and filing the stipulation of the parties hereto, "so ordered" December 1, 2016, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

Lara S. Trafelet,
Plaintiff-Respondent-Appellant,

CONFIDENTIAL

M-6179

-against-

Index No. 312168/15

Remy W. Trafelet,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 18, 2016,

Now, upon reading and filing the stipulation of the parties hereto, dated December 6, 2016, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected, are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

CORRECTED ORDER - January 13, 2017

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

James K. T.,
Petitioner-Appellant,

CONFIDENTIAL

M-5544
Docket No. V-122/13

-against-

Laverne W.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 16, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite #1510, New York, NY 10007, Telephone No. (212) 227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

CORRECTED ORDER - January 13, 2017

(M-5544)

-2-

December 29, 2016

funds available therefor;¹ within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of the receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

CONFIDENTIAL

M-5863

Destinee G.,	Docket Nos. NN-4629/16
Malachi G.,	NN-460/16
Anthony G.,	NN-4631/16
Rebelkah G.,	NN-4632/16
Majestee G.,	NN-4633/16
and Elijah G.,	NN-4634/16

Children Under 18 Years of Age Alleged
to be Neglected Under Article 10 of the
Family Court Act.

- - - - -
Administration for Children's Services,
Petitioners-Respondents,

Melvin G.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Children.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 23, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of a Proceeding for
Custody/Visitation Under Article 6
of the Family Court Act.

- - - - -
Jonathan A.,
Petitioner-Respondent,

-against-

CONFIDENTIAL

M-5866

Docket Nos. V-13316/15
V-6603/16

Tiffany V.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 23, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of

New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of

CONFIDENTIAL

Aaren C.,
Andrew G.,
Austin J.,

M-5828

Docket Nos. NN-36069/14
NN-36070/14
NN-36071/14

Children Under 18 Years of Age Alleged
to be Neglected Under Article 10 of
the Family Court Act.

- - - - -

Commissioner of Social Services of the
City of New York,
Petitioner-Respondent,

Jasmine C.,
Respondent-Appellant.

- - - - -

Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of Fact-Finding of the Family Court, New York County, entered on or about January 21, 2016 and from an Order of Disposition of said Family Court, entered on or about October 20, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone

No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of Permanency Hearing
Regarding

Natalia R.,

CONFIDENTIAL

A Child Under 21 Years of Age who
has been Freed for Adoption.

M-5825

Docket Nos. B-44332/15
B-44333/15

- - - - -
The Children's Aid Society,
Petitioners-Respondents,

Derek R.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 23, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol L. Kahn, Esq., 225 Broadway, Suite #1510, New York, NY 10007, Telephone No. (212) 227-0206, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Frankie S.,

A Child Under 18 Years of Age Alleged
to be Neglected Under Article 10 of
the Family Court Act.

CONFIDENTIAL

M-5874

Docket No. NN-30282/14

- - - - -
The Administration for Children's
Services,
Petitioner-Respondent,

Katiria Y.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 13, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and

§1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Frankie S.,

A Child Under 18 Years of Age Alleged
to be Neglected Under Article 10 of
the Family Court Act.

CONFIDENTIAL

M-5874

Docket No. NN-30282/14

- - - - -
The Administration for Children's
Services,
Petitioner-Respondent,

Katiria Y.,
Respondent-Appellant.

- - - - -
Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 13, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and

§1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on December 29, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-5087
Ind. No. 1251/16

Andre Rice,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person,
the appeal from a judgment of the Supreme Court, Bronx County,
rendered on or about June 30, 2016, for leave to have the appeal heard
upon the original record and a reproduced appellant's brief, and for
related relief,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of
permitting the appeal to be heard on the original record, except that
a certified copy of the indictment(s) shall be substituted in place of
the original indictment(s), and upon a reproduced appellant's brief,
on condition that appellant serves one copy of such brief upon the
District Attorney of said county and files 8 copies of such brief,
together with the original record, pursuant to Rule 600.11 of the
Rules of this Court.

The court reporter shall promptly make and file with the criminal
court (CPL §460.70) one transcript of the stenographic minutes of any
proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or
trial and sentence. The Clerk shall furnish a copy of such
transcripts to appellant's counsel, without charge, the transcripts to
be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation,
120 Wall Street, 28th Floor, New York, New York 10005, Telephone No.
212-577-2523, is assigned as counsel for defendant-appellant for
purposes of the appeal. The time within which appellant shall perfect
this appeal is hereby enlarged until 120 days from the date of filing
of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on December 29, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-5152
Ind. No. 1717/13

Ronald Ways,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person,
the appeal from a judgment of the Supreme Court, New York County,
rendered on or about September 1, 2016, for leave to have the appeal
heard upon the original record and a reproduced appellant's brief, and
for related relief,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of
permitting the appeal to be heard on the original record, except that
a certified copy of the indictment(s) shall be substituted in place of
the original indictment(s), and upon a reproduced appellant's brief,
on condition that appellant serves one copy of such brief upon the
District Attorney of said county and files 8 copies of such brief,
together with the original record, pursuant to Rule 600.11 of the
Rules of this Court.

The court reporter shall promptly make and file with the criminal
court (CPL §460.70) one transcript of the stenographic minutes of any
proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the
plea or trial and sentence. The Clerk shall furnish a copy of such
transcripts to appellant's counsel, without charge, the transcripts to
be returned to this Court when appellant's brief is filed.

Rosemary Herbert, Esq., Office of the Appellate Defender,
11 Park Place, Room 1601, New York, New York 10007, Telephone No.
212-402-4100, is assigned as counsel for defendant-appellant for
purposes of the appeal. The time within which appellant shall perfect
this appeal is hereby enlarged until 120 days from the date of filing
of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of a Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

CONFIDENTIAL

- - - - -

M-5506

Raymond S. H., Jr.,

Docket Nos. V-38438-15/16B

Petitioner-Appellant,

V-38438-15/15A

V-38438-15/16

V-34060-15/16A

-against-

V-38438-15/16C

Nefertiti Star M.,

Respondent-Respondent.

-----X

William O'Hearn, Esq., Family Court attorney for respondent, having moved on said respondent's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about September 29, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hasting on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Angel P.,
and Diamond C.,

CONFIDENTIAL

Children Under 18 Years of Age Alleged
to be Abused/Neglected Under Article 10
of the Family Court Act.

M-5823
Docket No. NA-13548/15

- - - - -
Administration for Children's
Services,
Petitioner-Respondent,

Jose C.,
Respondent-Appellant.

- - - - -
Kenneth M. Tuccillo, Esq.,
Attorney for the Child,
Angel P.,

Aleza Ross, Esq.,
Attorney for the Child,
Diamond C.

-----X

Katherine Tracey, Esq., Family Court attorney for the subject child, Angel P., having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about October 29, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591

Warburton Avenue, #576, Hastings on the Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of a Proceeding for
Custody/Visitation under Article 6
of the Family Court Act.

CONFIDENTIAL

- - - - -
Victor M. N., III,
Petitioner-Appellant,

M-5843
Docket No. V-11580-00/14B

-against-

Norma G. C.,
Respondent-Respondent.

- - - - -
Deborah Gould, Esq.,
Children's Law Center,
Attorney for the Child.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal taken from an order of the Family Court, Bronx County, entered on or about August 30, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 591 Warburton Avenue, #576, Hasting on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to

the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Shalicia P.,
Izaiyah C.,
and Maison C.,

Children Under 18 Years of Age Alleged
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

M-5868
Docket Nos. NA-33037/14
NA-33038/14
NA-1434/16

- - - - -
Commissioner of Children's Services
of the City of New York,
Petitioner-Appellant,

Sharon M., also known as Sharon C.,
Respondent-Respondent,

Raymond C.,
Respondent-Respondent.

-----X

Respondent-respondent, Sharon M., also known as Sharon C., having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about October 13, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Serina C.,

A Child Under 18 Years of Age Alleged
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

M-5876
Docket No. NN-01425/15

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

Ismael M.,
Respondent-Appellant,

Clarissa C.,
Respondent.

- - - - -
Tennille M. Tatum-Evans, Esq.,
Attorney for the Child.

-----X

David J. Eskin, Esq., Family Court attorney for the subject child, having moved on said child's behalf, for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about June 10, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. (347) 645-6660, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
Ollie Whitt Shaw and John Shaw,
Plaintiffs-Appellants,

-against-

Rush Management Company, LLC, et al.,
Defendants-Respondents.

M-5072
Index No. 20966/12E

-----X

Plaintiffs-appellants having moved for poor person relief to prosecute the appeal from the order of the Supreme Court, Bronx County, entered on or about July 8, 2016, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische
Ellen Gesmer, Justices.

-----X

Alterra America Insurance Co.,
Plaintiff-Respondent,

-against-

M-6129
Index No. 652813/12

National Football League, et al.,
Defendants-Appellants.

-----X

Discover Property and Casualty Co.,
et al.,
Plaintiffs-Respondents,

-against-

Index No. 652933/12

National Football League, et al.,
Defendants-Appellants.

-----X

Separate appeals having been taken to this Court by defendants-appellants in the aforesaid actions from an order of the Supreme Court, New York County, entered on or about November 1, 2016,

And defendants-appellants in both of the actions having moved for consolidation of their respective appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the appeals upon 9 copies of one record and one set of appellants' points covering the appeals (See M-5963/M-5966, decided simultaneously herewith).

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is fluid and cursive, with a prominent initial "S" and a distinct "R".

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Discover Property and Casualty Co.,
et al.,
Plaintiffs-Respondents,

-against-

National Football League, et al.,
Defendants-Appellants.

M-5963
Index No. 652933/12

-----X
Defendants-appellants, National Football League, et al., having moved for a stay of disclosure of certain related proceedings and motion practice, pending hearing and determination of the appeal taken from the orders of the Supreme Court, New York County, entered on or about November 1, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied (See M-5966 and M-6129, decided simultaneously herewith).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Alterra America Insurance Co.,
Plaintiff-Respondent,

-against-

National Football League, et al.,
Defendants-Appellants.

M-5966
Index No. 652813/12

-----X

Defendants-appellants, National Football League, et al., having moved for a stay of disclosure of certain related proceedings and motion practice, pending hearing and determination of the appeal taken from the orders of the Supreme Court, New York County, entered on or about November 1, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied (See M-5963 and M-6129, decided simultaneously herewith).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on December 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels
Troy K. Webber, Justices.

-----X
BAT USA Corp.,
Plaintiff-Respondent,

-against-

M-5218
Index No. 651037/14

Stephen Chiovare, Michael Chiovare,
Defendants-Appellants,

Elegant Awnings, Inc.,
Defendant.

-----X

Defendants-appellants having moved for an enlargement of
time to perfect the appeal from an order of the Supreme Court,
New York County, entered on or about July 15, 2015, and from a
judgment, same Court and Justice, entered on or about August 19,
2015,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of
enlarging the time to perfect the appeal to the May 2017 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
Judith J. Gische, Justices.

-----X

Aaron Elkin,
Plaintiff-Appellant,

CONFIDENTIAL

M-6057

-against-

Index No. 105411/08

Andrea Labis,
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about April 23, 2015, April 28, 2015 and April 29, 2015, respectively,

And, an order of this Court entered on June 9, 2016 (M-1675A) having consolidated the aforesaid appeals and enlarged time to perfect same to the November 2016 Term,

And plaintiff-appellant having move to deem the briefing closed, or in the alternative to adjourn the consolidated appeals to the February 2017 Term, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of directing the Clerk of the Court to maintain the consolidated appeals on the calendar for the February 2017 Term, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT - Hon. Peter Tom,	Justice Presiding,
John W. Sweeny, Jr.	
Rosalyn H. Richter	
Sallie Manzanet-Daniels	
Troy K. Webber,	Justices.

-----X

135 W. 13 LLC,
Petitioner-Landlord-Respondent,

-against-

M-5078

M-5197

Judith Stollerman, Danielle M. Sandow,
Respondents-Tenants-Appellants.

Index No. 570847/14

-----X

Petitioner-landlord-respondent having moved to dismiss the appeal taken from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about May 3, 2016 (M-5075),

And, respondents-tenants-appellants having cross-moved for an enlargement of time in which to perfect the appeal (M-5197),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion and cross motion are granted to the extent of dismissing the appeal unless it is perfected for the June 2017 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that

(M-5075/M-5197)

-2-

December 29, 2016

petitioner-landlord-respondent serves a copy of this order upon appellant within 10 days from the date of entry hereof (M-5075/M-5197).

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rosalyn H. Richter
Judith J. Gische, Justices.

-----X

R.S.,

Plaintiff-Respondent,

-against-

B.L.,

Defendant-Appellant.

-----X

CONFIDENTIAL

M-5424

M-5782

M-5786

M-5861

Index No. 350001/12

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, entered on or about April 15, 2015,

And, appellate counsel for defendant-appellant having moved to be relieved and to stay all proceedings to allow defendant-appellant time to make a motion for an enlargement of time to perfect said appeal (M-5424),

And, defendant-appellant, pro se, having cross-moved for an order directing appellate counsel to turn over her complete file (M-5782),

And, plaintiff-respondent having cross-moved to dismiss the appeal unless perfected for the March 2017 Term (M-5786),

And, defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal for the September 2017 Term (M-5861),

Now, upon reading and filing the papers with respect to the motions and cross motions, and due deliberation having been had thereon,

It is ordered that the motion by appellate counsel is granted to the extent of granting counsel leave to withdraw as counsel (M-5424) and counsel is directed to turn over defendant-appellant's file, although counsel may remove any attorney work product (M-5782). Plaintiff-respondent's motion to dismiss the appeal is granted unless perfected for the May 2017 Term (M-5786). Defendant-appellant's motion for an enlargement of time to perfect the appeal is granted to the extent of enlarging same to the May 2017 Term, with no further motions for enlargements to be granted (M-5861).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X

Marie Holdings, Inc.,
Plaintiff,

-against-

M-5172

M-6047

Index No. 810052/11

Biclyn Corp., et al.,
Defendants,

132 W 130th LLC,
Proposed Intervenor.

-----X

Proposed intervenor having moved for a stay of proceedings, including judicial sale of certain premises, pending hearing and determination of the purported appeal taken from the order of the Supreme Court, New York County, entered on or about October 11, 2016 (M-5172),

And plaintiff having cross moved to dismiss the purported appeal, as from a non-appealable paper (M-6047),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion for a stay of proceedings and other relief is denied (M-5172). The cross motion is granted and the purported appeal is dismissed (M-6047). The stay of the foreclosure sale granted in an interim order by a Justice of this Court on October 11, 2016, is vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Ramon Dominguez,
Plaintiff-Appellant,

-against-

Barsalin, LLC, et al.,
Defendants-Respondents.

M-5037

-----X Index No. 161738/14
Barsalin, LLC, et al.,
Third-Party Plaintiffs-Respondents,

-against-

C & S Home Builders, Inc.,
Third-Party Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 3, 2015,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the April 2017 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Lawrence A. Omansky,
Plaintiff-Appellant,

-against-

M-5541
Index No. 603738/08

160 Chambers Street Owners, Inc.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about January 22, 2016, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the May 2017 Term, and otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Paul G. Feinman
Troy K. Webber, Justices.

-----X

In the Matter of
Building Trades Employers'
Association, et al.,
Petitioners,

For a Judgment Pursuant to Article 78 M-5969
of the Civil Practice Law and Rules, Index No. 101765/16

-against-

Rick D. Chandler, P.E., Commissioner,
New York City Department of Buildings,
Respondent.

-----X

Petitioners having moved, pursuant to CPLR 5704(a), for a preliminary appellate injunction which, inter alia, would restrain respondent from implementing any rule or regulation in requiring the immediate cessation of crawler crane operations in winds above a certain threshold, which relief was denied by a Justice of the Supreme Court, New York County, on or about November 4, 2016,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
Paul G. Feinman
Troy K. Webber, Justices.

-----X
Dennis T. Palmieri, Jr.,
Plaintiff-Appellant,

-against- **M-5797**
Index No. 650501/13

Willkie Farr & Gallagher LLP,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 5, 2015, and said appeal having been perfected,

And, defendant-respondent having moved to strike certain portions of plaintiff's reply brief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels
Paul G. Feinman, Justices.

-----X
Shatima Turner, Buster Turner, Andre
Turner, Dexter Turner, Yul Turner,
Gail Turner, Yolanda Dove and Eugene
Turner,

Plaintiffs-Appellants,

-against-

Owens Funeral Home, Inc., et al.,
Defendants-Respondents.

M-5542
Index No. 20229/12E

-----X
Plaintiffs-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 25, 2015, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Judith J. Gische
Marcy L. Kahn, Justices.

-----X
2138747 Ontario, Inc.,
Plaintiff-Appellant,

-against-

Samsung C&T Corporation, et al.,
Defendants-Respondents.

M-5822
Index No. 653270/14

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 11, 2016 (Appeal No. 1509),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 29, 2016.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of a Proceeding for
Custody/Visitation under Article 6
of the Family Court Act.

Ian C.,
Petitioner-Respondent,

CONFIDENTIAL

-against-

M-5875

Docket No. V-26898-15/15A

Desery C.,
Respondent-Appellant.

Seymour W. James, Jr., Esq.,
The Legal Aid Society,
Juvenile Rights Division,
Attorney for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, both entered on or about October 7, 2016, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 374-1962 as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes

of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.